

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

March 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK ESCOBAR, JR.,

Defendant.

ED CR No. 5:23-cr-00162-HDV

I N D I C T M E N T

[18 U.S.C. §§ 922(g)(1),
924(e)(1): Felon in Possession of
a Firearm and Ammunition;
18 U.S.C. § 924(d)(1), 28 U.S.C.
§ 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. §§ 922(g)(1), 924(e)(1)]

On or about July 23, 2020, in San Bernardino County, within the Central District of California, defendant FRANK ESCOBAR, JR., knowingly possessed the following firearm and ammunition, in and affecting interstate and foreign commerce:

1. A Smith & Wesson, Model SD40 VE, .40 caliber pistol, bearing serial number FZS5891; and

2. Ten rounds of Winchester .40 caliber ammunition.

Defendant ESCOBAR possessed such firearm and ammunition knowing that he had previously been convicted of at least one of the

1 following felony crimes, each punishable by a term of imprisonment
2 exceeding one year:

3 1. Felony Domestic Abuse, in violation of California Penal
4 Code Section 273.5(a), in the Superior Court of the State of
5 California, County of San Bernardino, case number FVI1200787, on or
6 about April 11, 2012;

7 2. Felony Domestic Abuse, in violation of California Penal
8 Code Section 273.5(a), in the Superior Court of the State of
9 California, County of San Bernardino, case number FSB1004363, on or
10 about April 28, 2011;

11 3. Resisting an Officer, in violation of California Penal Code
12 Section 69, in the Superior Court of the State of California, County
13 of San Bernardino, case number FSB1502964, on or about September 21,
14 2015;

15 4. Felony Domestic Abuse, in violation of California Penal
16 Code Section 273.5(a), in the Superior Court of the State of
17 California, County of San Bernardino, case number 16CR-021373, on or
18 about June 2, 2016;

19 5. Evading a Peace Officer with Wanton Disregard for Safety,
20 in violation of California Vehicle Code Section 2800.2(a), in the
21 Superior Court of the State of California, County of San Bernardino,
22 case number FSB17002202, on or about June 19, 2017;

23 6. Felony Domestic Abuse, in violation of California Penal
24 Code Section 273.5(a), in the Superior Court of the State of
25 California, County of San Bernardino, case number FSB17002198, on or
26 about August 18, 2017; and

27 7. Felon in Possession of a Firearm, in violation of
28 California Penal Code Section 29800(a)(1), in the Superior Court of

1 the State of California, County of San Bernardino, case number
2 FSB19000400, on or about February 6, 2019.

3 Such possession occurred after defendant ESCOBAR had been
4 convicted of at least three of the following violent felonies, as
5 defined in Title 18, United States Code, Section 924(e)(2)(B), all of
6 which were committed on occasions different from one another:

7 1. Felony Domestic Abuse, in violation of California Penal
8 Code Section 273.5(a), in the Superior Court of the State of
9 California, County of San Bernardino, case number FVI1200787, on or
10 about April 11, 2012, committed on or about March 29, 2012;

11 2. Felony Domestic Abuse, in violation of California Penal
12 Code Section 273.5(a), in the Superior Court of the State of
13 California, County of San Bernardino, case number FSB1004363, on or
14 about April 28, 2011, committed on or about September 28, 2010;

15 3. Felony Domestic Abuse, in violation of California Penal
16 Code Section 273.5(a), in the Superior Court of the State of
17 California, County of San Bernardino, case number 16CR-021373, on or
18 about June 2, 2016, committed on or about May 20, 2016; and

19 4. Felony Domestic Abuse, in violation of California Penal
20 Code Section 273.5(a), in the Superior Court of the State of
21 California, County of San Bernardino, case number FSB17002198, on or
22 about August 18, 2017, committed on or about April 12, 2017.

COUNT TWO

[18 U.S.C. §§ 922(g)(1), 924(e)(1)]

On or about May 13, 2023, in San Bernardino County, within the Central District of California, defendant FRANK ESCOBAR, JR., knowingly possessed the following ammunition, in and affecting interstate and foreign commerce:

1. Three rounds of Aguila .25 caliber ammunition; and

2. Four rounds of Winchester 12-gauge shotgun ammunition.

Defendant ESCOBAR possessed such ammunition knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

1. Felony Domestic Abuse, in violation of California Penal Code Section 273.5(a), in the Superior Court of the State of California, County of San Bernardino, case number FVI1200787, on or about April 11, 2012;

2. Felony Domestic Abuse, in violation of California Penal Code Section 273.5(a), in the Superior Court of the State of California, County of San Bernardino, case number FSB1004363, on or about April 28, 2011;

3. Resisting an Officer, in violation of California Penal Code Section 69, in the Superior Court of the State of California, County of San Bernardino, case number FSB1502964, on or about September 21, 2015;

4. Felony Domestic Abuse, in violation of California Penal Code Section 273.5(a), in the Superior Court of the State of California, County of San Bernardino, case number 16CR-021373, on or about June 2, 2016;

1 5. Evading a Peace Officer with Wanton Disregard for Safety,
2 in violation of California Vehicle Code Section 2800.2(a), in the
3 Superior Court of the State of California, County of San Bernardino,
4 case number FSB17002202, on or about June 19, 2017;

5 6. Felony Domestic Abuse, in violation of California Penal
6 Code Section 273.5(a), in the Superior Court of the State of
7 California, County of San Bernardino, case number FSB17002198, on or
8 about August 18, 2017; and

9 7. Felon in Possession of a Firearm, in violation of
10 California Penal Code Section 29800(a)(1), in the Superior Court of
11 the State of California, County of San Bernardino, case number
12 FSB19000400, on or about February 6, 2019.

13 Such possession occurred after defendant ESCOBAR had been
14 convicted of at least three of the following violent felonies, as
15 defined in Title 18, United States Code, Section 924(e)(2)(B), all of
16 which were committed on occasions different from one another:

17 1. Felony Domestic Abuse, in violation of California Penal
18 Code Section 273.5(a), in the Superior Court of the State of
19 California, County of San Bernardino, case number FVI1200787, on or
20 about April 11, 2012, committed on or about March 29, 2012;

21 2. Felony Domestic Abuse, in violation of California Penal
22 Code Section 273.5(a), in the Superior Court of the State of
23 California, County of San Bernardino, case number FSB1004363, on or
24 about April 28, 2011, committed on or about September 28, 2010;

25 3. Felony Domestic Abuse, in violation of California Penal
26 Code Section 273.5(a), in the Superior Court of the State of
27 California, County of San Bernardino, case number 16CR-021373, on or
28 about June 2, 2016, committed on or about May 20, 2016; and

1 4. Felony Domestic Abuse, in violation of California Penal
2 Code Section 273.5(a), in the Superior Court of the State of
3 California, County of San Bernardino, case number FSB17002198, on or
4 about August 18, 2017, committed on or about April 12, 2017.

FORFEITURE ALLEGATION

[18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), in the event of the defendant's conviction of any of the offenses set forth in this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following:

(a) All right, title, and interest in any firearm or ammunition involved in or used in such offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the defendant, if so convicted, shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of the defendant, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been

///

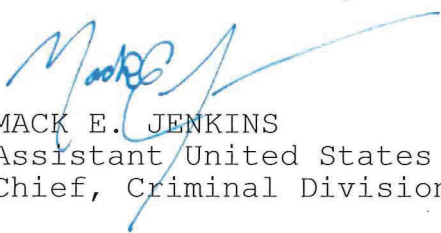
///

1 substantially diminished in value; or (e) has been commingled with
2 other property that cannot be divided without difficulty.

3 A TRUE BILL

4
5 15/
6 Foreperson

7 E. MARTIN ESTRADA
8 United States Attorney

9 
10 MACK E. JENKINS
11 Assistant United States Attorney
12 Chief, Criminal Division

13 SEAN D. PETERSON
14 Assistant United States Attorney
15 Chief, Riverside Branch Office

16 JOHN A. BALLA
17 Assistant United States Attorney
18 Deputy Chief, Riverside Branch
19 Office
20
21
22
23
24
25
26
27
28